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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/725,608      | 12/02/2003  | Kenneth A. Martin    | 1190.14             | 4967             |

29637 7590 08/18/2006

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| EXAMINER |
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KIM, TAEYOON

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| ART UNIT | PAPER NUMBER |
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1651

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---------------------------------------------------|---------------------|
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EXAMINER

ART UNIT

PAPER

20060815

DATE MAILED:

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**Commissioner for Patents**

The reply filed on July 19, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant's election of species is not proper because a single species has not been elected from the Groups of species. In the previous office action mailed on June 20, 2006, Applicant was required to elect a single species from the following groups of species;

1. Type of vitamin: vitamin B, vitamin C, vitamin E, complexes thereof, combinations thereof (claim 1)
2. Type of protein: whey protein, soy protein, sodium casienate protein, legume protein, egg protein, combinations thereof (claim 4)
3. Type of a fatty acid: pumpkin seed, almonds, sesame seeds, walnuts, flax seed, soy been derivatives, combinations thereof (claim 6)
4. Type of fiber: oat bran, a legume, a psyllium, a nut, a bean, pectin, combinations thereof (claim 11)
5. Type of mineral: selenium, boron, manganese, magnesium, combinations thereof (claim 12)
6. Type of digestive enzyme: bromelain, pepsin, amylase, protease, lipase, cellulase, lactase, alpha-g, glucoamylase, invertase, malt diastase, pectinase, xylanase, bromelain, betain, trypsin, combinations thereof (claim 14)
7. Type of calcium source: calcium carbonate, calcium citrate, calcium lactate, calcium gluconate, combinations thereof (claim 15)

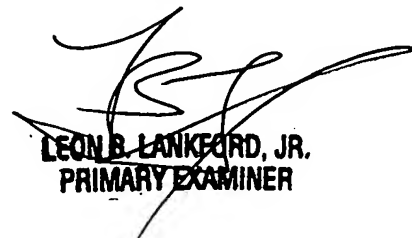
In response to the election requirement, Applicant elected multiple species from the groups 1-3 and 5-7, without clearly indicating election of a combination. Proper election of species is required. See 37 CFR 1.111.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taeyoon Kim whose telephone number is 571-272-9041. The examiner can normally be reached on 8:00 am - 4:30 pm ET (Mon-Fri). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Taeyoon Kim  
Patent Examiner  
Art Unit 1651



**LEON B. LANKEFORD, JR.**  
**PRIMARY EXAMINER**